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ANAT HAKIM, (to be admitted *pro hac vice*)

Attorneys for Defendant The Rockefeller University, a New York not-for-profit corporation,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Ligand Pharmaceuticals Incorporated, a
Delaware corporation,

Plaintiff,

vs.

The Rockefeller University, a New York
not-for-profit corporation,

Defendant.

Case No: 08-CV-401 BEN (WMc)

**NOTICE OF MOTION AND MOTION
TO DISMISS OR, IN THE
ALTERNATIVE, STAY THIS ACTION**

Judge: Roger T. Benitez

Date: April 14, 2008

Time: 10:30 a.m.

Courtroom: 3_____

TO PLAINTIFF, LIGAND PHARMACEUTICALS INCORPORATED AND TO
ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 14, 2008, at 10:30 a.m. or as soon
thereafter as the matter may be heard in Department [Insert] of the Court, located at 940
Front Street, San Diego, CA 92101-8900, defendant, THE ROCKEFELLER
UNIVERSITY, moves the Court to dismiss or in the alternative, to stay this Action on the
grounds that there is a first-filed, parallel state suit pending in New York.

This Motion will be based on this Notice of Motion and Motion, the Memorandum
of Point and Authorities Filed herewith, the Declaration of Anat Hakim and exhibits
thereto, the pleadings, and such other and further oral and documentary evidence and

1 legal memoranda as may be presented at or by the hearing on said Motion.
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3 Dated: March 11, 2008

FOLEY & LARDNER LLP
KENNETH S. KLEIN

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By: /s/ _____
KENNETH S. KLEIN
Attorneys for Defendant The Rockefeller
University, a New York not-for-profit
corporation

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PROOF OF SERVICE

I am employed in the **County of San Diego, State of California**. I am over the age of 18 and not a party to this action; my current business address is **402 W. Broadway, Suite 2100, San Diego, CA 92101-3542**.

On **March 11, 2008**, I served the foregoing document(s) described as: **Notice of Party With Financial Interest** on the interested parties in this action as follows:

BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Darrell Olson
KNOBBE, MARTENS, OLSON & BEAR
LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Phone: (949) 760-0404
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Joseph M. Reisman Ali S. Razai
KNOBBE, MARTENS, OLSON &
BEAR, LLP
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BY MAIL

I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Diego, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

BY FACSIMILE

I transmitted the document(s) by facsimile transmission from a facsimile transmission machine, at **San Diego, California**, with the telephone number, **619.234.3510**, to Click and Type Name whose facsimile transmission telephone number is Click and Type Number .

The facsimile transmission was reported as complete without error by a transmission report, issued by the facsimile transmission machine upon which the transmission was made, immediately following the transmission.

BY HAND DELIVERY. I delivered the envelope(s) **by hand** to addressee(s).

Executed on **March 11, 2008**, at **San Diego, California**.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Martha X. Zarate